

Message Text

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ACTION EUR-12

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AMEMBASSY LONDON

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SUBJECT: SPRINGER PRESS CRITICIZES RECENT ALLIED ACTIONS IN
BERLIN

REF: USBERLIN 1983

1. SUMMARY: ALLIES COME IN FOR SHARP CRITICISM FROM
SPRINGER PRESS SEPTEMBER 23 FOR SERIES OF RECENT
ACTIONS, NOTABLY BK/O RESTRICTING APPLICATION OF NEW
ANTI-TERRORISM LAW IN BERLIN BUT INCLUDING HANDLING
OF CZECH SPY CASE AND RESTRICTIONS ON PROCEDURES BY
WHICH BERLIN DEPUTIES WILL BE CHOSEN FOR NEW EUROPEAN
COMMUNITY PARLIAMENT. THRUST OF COMMENTARY IS THAT
ALLIES ARE SHOWING TOO MUCH ZEAL IN EXERCISE OF
RESERVED POWERS AND THAT NET RESULT WILL BE TO SAP
BERLIN'S SENSE OF SELF-SUFFICIENCY AND TO ENCOURAGE
SOVIETS TO PUSH EVEN HARDER TO BREAK DOWN FRG-BERLIN TIES.
END SUMMARY.

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2. IN NEW STORY DIE WELT REPORTS CONFIRMATION BY FRG JUSTICE MINISTER VOGEL AT JOINT PRESS CONFERENCE WITH FEDERAL PROSECUTOR HELD TO DISCUSS ENTRANCE INTO FORCE OF NEW LAW THAT ALLIES DEPRIVED ONE SUB-ARTICLE OF EFFECT IN BERLIN. VOGEL IS QUOTED AS SAYING ACTION WAS TAKEN BY ALLIES " ON BASIS OF THEIR SPECIAL RIGHTS AND RESPONSIBILITIES IN BERLIN." VOGEL APPARENTLY AVOIDED OTHERWISE ASSESSING EFFECT OF ALLIED ORDER.

3. DIE WELT COLUMNIST MATTHIAS WALDEN, HOWEVER, ADDRESSES THIS ACTION AS WELL AS CZECH SPY CASE AND EC PARLIAMENT ELECTIONS IN HIGHLY CRITICAL COMMENTARY ENTITLED " SLIPPERY SLOPE OF RESERVATIONS." WALDEN OBSERVES THAT AVERAGE BERLIN OFTEN HAS DIFFICULTY UNDERSTANDING REASONS BEHIND JURIDICAL NITPICKING BUT SETS HIMSELF TASK OF EXPLAINING IMPLICATIONS OF RECENT ALLIED ACTS. HE SEES BK/O ON ANTI-TERRORISM LAW AS " A PREJUDICING OF LEGAL UNITY BETWEEN THE FEDERATION AND BERLIN." A PERHAPS SMALL MATTER IN ITSELF, HE SAYS, IT IS " A GRAM ADDED TO THE SCALE WHICH SLOWLY BUT NOTICEABLY TILTS TOWARD THE RESTRICTIVE SOVIET POLICY TO WEST BERLIN'S COST." AFTER BRIEFLY SUMMARIZING VERSION OF CZECH SPY CASE WHICH APPEARED IN FRANKFURTER ALLGEMEINE SEPTEMBER 21(THOUGH WITHOUT REFERENCE TO ALLEGED U.S. PROTEST TO FRG), WALDEN CHARACTERIZES ALLIED REFUSAL TO PERMIT BERLINERS TO VOTE FOR THEIR REPRESENTATIVES IN EUROPEAN PARLIAMENT IN 1978 AS IMPLYING " A PARTICULARLY NARROWER AND SHARPER SPECIAL STATUS FOR BERLIN." WALDEN SAYS THAT GERMANS KNOW THAT ALLIES PLAY ESSENTIAL ROLE IN BERLIN AND THUS SHOULD BE SLOW TO CRITICIZE. HIS CONCLUSION, HOWEVER, IS THAT " IT SEEMS THAT THE THREE WESTERN ALLIES, IN THEIR POLICY OF RESERVATIONS(VORBEHALTSPOLITIK),ARE HANDLING BONN -BERLIN TIES WITH AN EXCESS OF ZEAL. MANY SMALL THING CAN ADD UP TO QUITE A LOT AND GRADUALLY BRING BERLIN'S FEELING OF SELF-RELIANCE ONTO AN EVER STEEPER DOWNWARD SLOPE. THAT WOULD ENCOURAGE MOSCOW TO MEDDLE EVEN MORE ARROGANTLY THAN IT HAS HITHERTO IN WEST BERLIN."

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4.SPRINGER'S BERLIN DAILY " MORGENPOST" ACCOMPANIED REPORT ON ISSUANCE OF ALLIED BK/O ON ANTI-TERRORISM LAW STEPBMER WITH STATEMENT THAT " ALLIED DECISION, WHICH IS OBVIOUSLY AIMED AT DAMPENING DOWN FEDERAL PROSECUTOR'S COMPETENCE IN THE CITY, WAS RECEIVED WITH REGRET IN POLITICAL CIRCLES. DEPUTY SPD FRAKTION LEADER, HANS-JUERGEN HESS, WAS QUOTED AS SAYING THAT THOUGH BK/O WOULD NOT SUBSTANTIVELY AFFECT LEGAL UNITY

IT REPRESENTED A " DEEP-CUTTING ENCROACHMENT ON AN ADOPTED FEDERAL LAW." MORGENPOST DEALS WITH BK/O SEPTEMBER 23 IN EDITORIAL ENTITLED " REGRETTABLE," WHICH SAYS " CROCKERY HAS AGAIN BEEN BROKEN IN THE IN THE BERLIN QUESTION, THIS TIME BY THE ALLIES." EDITORIAL SAYS THAT IDEA THAT FEDERAL PROSECUTOR WOULD INVOLVE HIMSELF IN RESOLUTION OF JURISDICTIONAL DISPUTE WITH BERLIN PROSECUTOR ON BASIS OF WHAT UNDER ALLIED THEORY IS ONLY A LAND LAW RATHER THAN A FEDERAL LAW " WAS OBVIOUSLY NOT TO BE COPEDE WITH BY THE SENSITIVE ALLIES." PAPER ARGUES THAT " THIS BREAKDOWN IS AND REMAINS NOT UNDERSTANDABLE SINCE IT WAS ON THE PRACTICAL SIDE UNNECESSARY. UNTIL NOW THE BERLIN PROSECUTOR AND THE FEDERAL PROSECUTOR HAVE ALWAYS BEEN ABLE TO REACH AGREEMENT. IT WILL REMAIN SO IN THE FUTURE. HAD THE FRG RECEIVED A TIMELY SIGNAL FROM THE WESTERN POWERS IT COULD HAVE STRICKEN THIS PROVISION FROM THE LAW."

5. THRUST OF MORGENPOST EDITORIAL IS, IN FACT, DIRECTED ALMOST AS MUCH TOWARD HASTY AND SECRETIVE MANNER IN WHICH ALLIES ARE SAID TO HAVE ACTED WITHOUT TAKING GERMANS INTO THEIR CONFIDENCE AT APPROPRIATE STAGE AS TO SUBSTANCE OF MATTER.

UNKINDEST CUT OF ALL, AS THOSE WHO HAVE FOLLOWED CABLE TRAFFIC ON THIS SUBJECT WILL RECOGNIZE, IS FOLLOWING STATEMENT" ONE COULD HAVE EXPECTED CONSULTATION BEFORE THE PROTECTIVE POWERS TORPEDOED A BERLIN POSITION. THERE WAS NOTHING OF THE KIND. THE ALLIES IN BERLIN BYPASSED THEIR OWN EMBASSIES IN BONN AND AFTER TOUCHING BASE BRIEFLY WITH THEIR GOVERNMENTS PRODUCED A FAIT ACCOMPLI. REGRETTABLE." GEORGE

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